

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

WILLIAM PAUL MELONI,)
)
Petitioner)
)
vs.) No. CIV-05-889-C
)
STATE OF OKLAHOMA,)
)
Respondent)

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner, a pretrial detainee, has attempted to remove the criminal proceeding currently pending against him in the District Court of Oklahoma County. The matter was referred to United States Magistrate Judge Valerie K. Couch consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Couch entered a Report and Recommendation on September 8, 2005, recommending the matter be summarily remanded pursuant to 28 U.S.C. § 1446(c)(4). Petitioner has timely objected. The Court therefore considers the matter de novo.

In his objection, Petitioner does not address the findings; rather he merely restates his allegations of unconstitutional conduct. The Court concludes the facts and law are correctly set out in the Report and Recommendation and require summary remand.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, this action is remanded to the District Court of Oklahoma County. 28 U.S.C. § 1446(c)(4). Petitioner's Motion for Leave to Proceed in Forma Pauperis (Dkt. No. 2) is denied as moot.

IT IS SO ORDERED this 28th day of September, 2005.



ROBIN J. CAUTHRON
United States District Judge